

Amendment No. 3 to HB1156

Lynn
Signature of Sponsor

AMEND Senate Bill No. 561*

House Bill No. 1156

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the language "The state is divided into thirty-one (31) judicial districts composed as follows:" and substituting instead the following:

The state is divided into thirty-two (32) judicial districts composed as follows:

SECTION 2. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subdivision (21) and substituting instead the following:

(21)

(A)

(i) Until September 1, 2022, the twenty-first judicial district consists of the counties of Hickman, Lewis, Perry, and Williamson. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-first judicial district in their respective capacities. In 1986, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512. Effective January 1, 1998, there is created an additional circuit court in the twenty-first judicial district. At the August 1998 general election, the qualified voters of the twenty-first district shall elect a person in accordance with § 16-2-505, to

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serve as judge of the circuit court created by this section for an eight-year term;

(ii) Effective September 1, 2018, there is created an additional trial court in the twenty-first judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, at which time the additional trial court shall be transferred to the newly created thirty-second judicial district and presided over by a trial court judge elected by voters of the thirty-second judicial district at the August 2022 general election;

(iii) It is the intent of the general assembly by adding an additional trial court in the twenty-first judicial district that the interests of public access to the courts and economy of judicial travel are best served by the presiding judge designating the new trial court created by subdivision (21)(A)(ii) to serve Hickman, Lewis, and Perry counties prior to being transferred to the thirty-second judicial district. Unless otherwise designated by the presiding judge to effectuate the duties enumerated in § 16-2-509(b), the remaining judges shall serve Williamson County;

(B)

(i) Effective September 1, 2022, the twenty-first judicial district consists of the county of Williamson. Except as provided in subdivision (21)(A)(iii), the incumbent trial court judges and the district attorney general currently residing in the county shall continue to serve the twenty-first judicial district in their respective capacities until September 1, 2022. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson County shall elect four (4) trial court judges to fill the positions created by subdivision (21)(A)(i) for a full eight-year term;

(ii) Effective September 1, 2022, the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district;

(C) The district attorney general of the twenty-first judicial district is entitled to seven (7) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

SECTION 3. Tennessee Code Annotated, Section 16-2-506, is amended by adding the following as a new subdivision:

(32)

(A) Effective September 1, 2022, the thirty-second judicial district consists of the counties of Hickman, Lewis, and Perry. The incumbent trial court judge elected pursuant to subdivision (21)(A)(ii) shall continue to serve the twenty-first judicial district until September 1, 2022, at which time the additional

trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district and presided over by a trial court judge to be elected by voters of the thirty-second judicial district at the August 2022 general election. Every eight (8) years thereafter, the qualified voters of the thirty-second judicial district shall elect a judge or chancellor for a full eight-year term;

(B)

(i) Effective September 1, 2022, there is created the position of district attorney general for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district attorneys general;

(ii) The district attorney general of the thirty-second judicial district is entitled to three (3) assistant district attorney general positions, one (1) administrative assistant position, two (2) secretary positions, one (1) criminal investigator position, and two (2) victim-witness coordinator positions;

(iii) On September 1, 2022, the office space and all state-owned furniture, equipment, supplies, books, and other such office property located in the Centerville or Hohenwald offices of the district attorney general of the twenty-first district and currently being used by the district attorney general of the twenty-first judicial district, or by one (1) of the district attorney general's assistants or investigators, shall be transferred

for the use of the district attorney of the thirty-second judicial district. On and after such date, all such office space and other office property located in the Centerville and Hohenwald offices shall become the space for and property of the office of district attorney general for the thirty-second judicial district. Nothing in this subdivision (32)(B)(iii) prohibits the district attorney general from also establishing another office in the thirty-second judicial district;

(iv) By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-second judicial district;

SECTION 4. Tennessee Code Annotated, Section 8-14-102(b)(1), is amended by adding the following new subdivision (C):

(i) Effective September 1, 2022, there is created the position of district public defender for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district public defender for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district public defenders.

(ii) The district public defender of the thirty-second judicial district is entitled to three (3) assistant public defender positions, one (1) district investigator position, one (1) administrative assistant position, and two (2) secretary positions.

(iii) On September 1, 2022, the district public defender is entitled to purchase such office space and other office property necessary to establish the office of the

district public defender for the thirty-second judicial district. Nothing contained herein shall be construed as prohibiting such district public defender from also establishing an additional office in the thirty-second judicial district. By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district public defender for the thirty-second judicial district.

SECTION 5. This act shall not be construed to limit, terminate, or otherwise affect the term or future terms of office of any circuit court clerk, criminal court clerk, or clerk and master, subject to the residence requirement found in § 18-1-102. All such incumbents shall continue in office until the expiration of their respective terms of office and shall be eligible for reelection or reappointment. Nothing in this act shall be construed to require, permit, or authorize the consolidation of the offices of clerk and master, circuit court clerk, or criminal court clerk or to place any clerk in a position of dominance over any other clerk.

SECTION 6.

(a) All process issued after September 1, 2022, shall be returnable at the times and places fixed by local court rules promulgated in accordance with this act. All bonds and undertakings executed after September 1, 2022, shall be governed by local court rules, insofar as to appearance dates and other conditions relating to time and place.

(b) All cases, both civil and criminal except those that have previously been heard and taken under advisement, pending in any court in the twenty-first judicial district prior to September 1, 2022, shall as of that date be heard and determined in the appropriate court by the appropriate judge.

(c) Notwithstanding Tennessee Code Annotated, Title 16, Chapter 2, to the contrary, nothing in this act shall be construed to repeal, amend, or affect in any manner any jurisdiction granted to any local court by any public or private law.

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.